

REMARKS

In the Office Action dated October 5, 2005, claims 9-23 were rejected under the judicially-created doctrine of obviousness-type double patenting over U.S. Patent No. 6,654,816; claims 1, 9, and 17 were rejected under 35 U.S.C. § 102 over U.S. Patent Application Publication No. 2002/0029295 (Tognazzini); claims 2-8, 10-16 and 18-23 were rejected under § 103 over Tognazzini; and claims 1-23 were rejected under § 103 over U.S. Patent No. 6,438,711 (Woodruff).

SUMMARY OF TELEPHONIC INTERVIEW AND  
REQUEST FOR CLARIFICATION OF THE TERMS  
“EMULATION,” EMULATING,” AND “EMULATE”

On the dates indicated in the Office Action, the Examiner and the undersigned discussed claims of this case. No prior art references were discussed. Possible amendments of the claims were discussed, including the amendments made to claims 1, 9, and 17 in the present Amendment. No agreement was reached regarding allowability of the claims.

The Office Action requested clarification of the terms “emulation,” “emulating,” and “emulate.” Note that the term “emulation” is not used in the claims. Applicant respectfully submits that terms “emulate” and “emulating” have their ordinary meanings. *See, e.g.*, High-Tech Dictionary Definition for “emulate” (“to pretend to be something else”) (attached); Merriam-Webster OnLine Dictionary for “emulate” (“imitate”) (attached).

Since a person of ordinary skill in the art would recognize that the terms “emulate” or “emulating,” as used in the claims, are consistent with their ordinary definitions, it is respectfully submitted that the use of these terms in the claims is not indefinite.

DOUBLE PATENTING REJECTION

Claims 9-23 of the present application were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-8 of U.S. Patent No. 6,654,816. It is respectfully submitted that the present claims are non-obvious over claims of U.S. Patent No. 6,654,816.

With respect to independent claim 9, the claims of U.S. Patent No. 6,654,816 do not suggest a processor to interact with a handheld device through an interface to enable the handheld device to emulate a pointer device function and a display function of the system, or the processor to load diagnostic software from the handheld device into the system for execution to perform a diagnostic task.

Independent claim 17 is similarly non-obvious over claims of U.S. Patent No. 6,654,816.

In view of the foregoing, it is respectfully requested that the double patenting rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Amended claim 1 now further recites that the management processor is able to cooperate with the handheld device to load diagnostic software from the handheld device into the system for execution on the CPU to perform a diagnostic task. This feature is clearly not disclosed by Tognazzini. Although Tognazzini mentions that a file or directory can be sent from a portable device to a fixed device (Tognazzini, ¶ [0058]), there is no teaching in Tognazzini of sending diagnostic software from the portable device to the fixed device of Tognazzini. Therefore, claim 1 is not anticipated by Tognazzini.

Amended claims 9 and 17 are similarly not anticipated by Tognazzini.

Dependent claim 15 (which depends indirectly from claim 9) recites the loading of diagnostic software into the system from the handheld device and the handheld device's role of emulating a disk drive. The Office Action stated that this feature of claim 15 is obvious over Tognazzini. 10/05/2005 Office Action at 5. It is respectfully submitted that the loading of diagnostic software from the handheld device into the system for execution to perform a diagnostic task is not obvious in view of the teachings of Tognazzini. Tognazzini merely mentions the copying of a file or directory from a portable device to a fixed device – there is no suggestion of sending a diagnostic software from the portable device to a fixed device for performing a diagnostic task. If a reference exists that suggests the modification of Tognazzini in the manner proposed by the Office Action, Applicant respectfully requests that this reference be identified and that rationale be provided regarding why such a reference would have suggested the modification of Tognazzini as proposed by the Office Action. Absent the requisite secondary reference that would suggest the modification of Tognazzini to achieve the claimed invention, it is respectfully submitted that a *prima facie* case of obviousness of the claims cannot be established with respect to Tognazzini alone.

All claims were also rejected as being obvious over Woodruff alone. The Office Action conceded that Woodruff fails to disclose the claimed infrared transceiver recited in claim 1. However, the Office Action stated that since Woodruff teaches different types of “transmission media,” that the claimed invention would be obvious in view of Woodruff alone. 10/05/2005

Office Action at 6. The Examiner took official notice that the use of the infrared transceiver of claim 1 is well known. *Id.*<sup>1</sup>

Applicant respectfully traverses the taking of official notice by the Examiner. It is respectfully submitted that the use of an infrared transceiver in the context of the claimed invention was not well known, and is believed to be novel and nonobvious in the context of the claimed invention. If a reference exists that suggests a modification of Woodruff in the manner proposed in the Office Action, Applicant respectfully requests production of such reference and the provision of rationale regarding why such reference should be combined with Woodruff to achieve the claimed subject matter. Woodruff teaches that its remote management console is coupled by a transmission medium 130 to a server to enable the remote management console to perform remote management tasks. Thus, the transmission medium 130 contemplated by Woodruff is a transmission medium used over long distances. In contrast, the infrared transceiver recited in claim 1 is more of a short distance transmission medium. As noted on page 23 of the present Specification, infrared technology according to some embodiments is a safe well-proven communications strategy for near distance line-of-sight communications.

A person of ordinary skill in the art would not have been motivated to substitute an infrared transmission medium for the transmission medium 130 described in Woodruff. Doing so would defeat the purpose of Woodruff, which is to enable remote communication between the remote management console and a server.

In view of the foregoing, it is respectfully submitted that a person of ordinary skill in the art would not have been motivated to modify Woodruff to achieve the claimed invention. Therefore, a *prima facie* case of obviousness cannot be established.

Independent claim 17 is similarly allowable over Woodruff.

Independent claim 9 is allowable over Woodruff since Woodruff does not suggest a processor of a system to interact with a *PDA* device, as recited in the claim.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

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<sup>1</sup> The Examiner also cited to "well known/commonly practiced knowledge art in the 892 ...." It is unclear what "892" refers to.

Appln. Serial No. 10/682,348  
Amendment Dated January 5, 2006  
Reply to Office Action Mailed October 5, 2005

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304323-4).

Respectfully submitted,

Date: Jan 5, 2006



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Definition for: **emulate**

To pretend to be something else. A computer system or program can emulate another computer system in order to run its programs, or to make a network connection between terminals.


SEARCH

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## emulate

2 entries found for **emulate**.  
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emulate[1,transitive verb]  
emulate[2,adjective]

Go

Main Entry: <sup>1</sup>**em·u·late** ⚭

Pronunciation: 'em-y&amp;- "lAt

Function: *transitive verb*Inflected Form(s): **-lat·ed**; **-lat·ing**

Etymology: Latin *aemulatus*, past participle of *aemulari*,  
from *aemulus* rivaling

**1 a** : to strive to equal or excel **b** : **IMITATE**; *especially* : to  
imitate by means of an **emulator**

**2** : to equal or approach equality with

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